

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MERRILL LYNCH COMMERCIAL FINANCE
CORP.,

Plaintiff,

-against-

ALL STATE ENVELOPES LTD., RITA L.
FRIEDMAN, and ISAAC FRIEDMAN,

Defendants.

ORDER

09-CV-785 (NGG) (JMA)

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Merrill Lynch Commercial Finance Corp. ("MLCFC") brings a contract action against All State Envelopes Ltd. ("All State") and Rita and Isaac Friedman (the "Friedmans") for defaulting on a commercial loan and a personal guarantee thereto. ("Complaint" (Docket Entry # 1).) On July 29, 2009, MLCFC moved for summary judgment against Defendants. (Docket Entry # 14.) On March 23, 2010, the court granted MLCFC's motion for summary judgment and referred the matter to Magistrate Judge Joan M. Azrack solely for inquest on damages. (Docket Entry # 15.) On September 15, 2010, Judge Azrack recommended that the court enter judgment against all defendants in the amount of \$334,671.40 and \$56.08 per day in prejudgment interest. ("R&R" (Docket Entry # 21).)

No party has objected to Judge Azrack's R&R, and the time for doing so has passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Azrack's R&R for "clear error," and finding none, the court adopts it in its entirety. See, e.g., Brown v. Ebert, No. 05-CV-5579 (DLC), 2006 U.S. Dist. LEXIS 94265, at *6 (S.D.N.Y. Dec. 29, 2006) (where no party objects to a magistrate judge's report and recommendation, review is for "clear error"). Accordingly, the court enters

judgment against Defendants for \$334,671.40 in damages and \$10,599.12 in prejudgment interest, for a total judgment of \$345,270.52. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
October 20, 2010

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge